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GOVERNMENT OF SIKKIM
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No: 11/LD/P/2008 **Date: 29.07.2008**

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 28th day of June, 2008 is hereby published for general information:-

THE VINAYAKA MISSIONS SIKKIM UNIVERSITY ACT, 2008
(Act No. 11 of 2008)

AN
ACT

to establish and incorporate a University in the State of Sikkim and to provide instruction and training in Medicine, Dentistry, Homoeopathy, Naturopathy, Nursing, Paramedical, Engineering, Management, Arts and Science, Education, Law, Agriculture, Physical Education, Veterinary Science, Fashion Technology, Vocational and allied courses sponsored by Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamigal Medical Educational and Charitable Trust and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of Sikkim in the Fifty-ninth Year of the Republic of India as follows:-

CHAPTER 1

Preliminary

Short title and commencement.

1. (1) This Act may be called the Vinayaka Missions Sikkim University Act, 2008

(2) It shall come into force on such date as the State Government may by Notification in the Official Gazette, appoint.

Definitions.

2. (1) In this Act, unless the context otherwise requires :-

(i) "Academic Council" means the Academic Council of the University;

(ii) "AICTE" means the All India Council for Technical Education established under section 3 of the All India Council for Technical Education Act, 1987;

(iii) "Affiliated College" means a college or an institution which is affiliated to the University ;

(iv) "Annual Report" means the Annual report of the University as referred to in section 45 of this Act ;

(v) "Board of Governors" means the Board of Governors of the University constituted under section 21 of this Act ;

(vi) "Board of Management" means the Board of Management of the University as constituted under section 22 of this Act ;

(vii) "Chancellor" means the Chancellor of the University appointed under section 13 of this Act ;

(viii) "Constituent College" means a college or an institution maintained by the University ;

(ix) "development fund" means the development fund of the University established under section 43 of this Act ;

(x) "Distance Education System" means the system of imparting education through any means of information technology and communication such as multimedia, broadcasting, telecasting, online over internet, other interactive methods, e-mail, internet, computer, interactive talk back, e-learning, correspondence course, seminar, contact program or a combination of any two or more of such means;

(xi) "endowment fund" means the endowment fund of the University established under section 41 of this Act;

(xii) "employee" means employee appointed by the University; and includes teachers and other staff of the University or of a constituent college;

(xiii) "faculty" means the faculty of the University;

(xiv) " Finance Officer" means the Finance Officer of the University appointed under section 18 of this Act ;

(xv) "general fund" means general fund of the University established under section 42 of this Act ;

(xvi) "Prescribed" means prescribed by the Statutes and the rules made under this Act ;

(xvii) "Principal" in relation to a constituent college, means the Head of the constituent college and includes, where there is no Principal, the Vice-Principal or any other person for the time being appointed to act as Principal;

(xviii) "Pro-Chancellor" means the Pro-Chancellor of the University appointed under section 14 of this Act ;

(xix) "Regional Center" means a center established or maintained by the University for the purpose of co-ordinating and supervising the work of Study Centres in any region and for performing such other functions as may be conferred on such center by the Board of Management;

(xx) "Registrar" means the Registrar of the University appointed under section 17 of this Act ;

(xxi) "rules" means the rules of the University made under this Act ;

(xxii) "Sponsor" means the Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamigal Medical Educational and Charitable Trust, Salem, Tamilnadu which is registered as a Trust in Tamil Nadu vide Registration No.493 of 1981 of Book 4 volume 130 pages 55 to 62 dated 14th December 1981 ;

(xxiii) "State" means the State of Sikkim;

(xxiv) "State Government" means the State Government of Sikkim

(xxv) "Statutes" means the Statutes of the University;

(xxvi) "teacher" means a Professor, Associate Professor, Assistant Professor/Lecturer or such other person as may be appointed for imparting instruction or conducting research in the University or in a constituent college or institution and includes the Principal of a constituent college or institution, in conformity with the norms prescribed by the University Grants Commission ;

(xxvii) "UGC" means the University Grants Commission established under the University Grants Commission Act, 1956;

(xxviii) "University" means the Vinayaka Missions Sikkim University established under this Act ;

(xxix) "Vice - Chancellor" means the Vice-Chancellor of the University appointed under section 15 of the Act;

(xxx) "Visitor" means the Visitor of the University referred to in section 12 of the Act.

CHAPTER 2
The University and its Objects

Proposal for the establishment of the University.

3. (1) The Sponsor shall have the right to establish the University in accordance with the provisions of this Act.

(2) An application containing the proposal to establish a University shall be made to the State Government by the Sponsor.

(3) The proposal may contain the following particulars,namely :-

(a) the objects of the University along with the details of the Sponsor ;

(b) the extent and status of the University and the availability of land ;

(c) the nature and type of programs of study and research to be undertaken in the University during a period of the next five years ;

(d) the nature of faculties, courses of study and research proposed to be started ;

(e) the campus development such as buildings, equipment and structural amenities ;

(f) the phased outlays of capital expenditure for a period of the next five years ;

(g) the item-wise recurring expenditure, sources of finance and estimated expenditure for each student ;

(h) the scheme for mobilizing resources and the cost of capital thereto and the manner of repayments to each source ;

(i) the scheme of generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy and other activities relating to the objects of the University and other anticipated incomes ;

(j) the details of expenditure on unit cost, the extent of concessions or rebates in fee, freeship and scholarship for students belonging to economically weaker sections and the fee structure indicating varying rate of fee, if any, that would be levied on non-resident Indians, Persons of Indian Origin and students of other nationalities ;

(k) the years of experience and expertise in the concerned discipline the command of the Sponsor as well as the financial resources ;

(l) the system for selection of students to the courses of study at the University ; and

(m) status of fulfillment of such other conditions as may be required by the State Government to be fulfilled before the establishment of the University.

Establishment of University.

4. (1) Where the State Government, after such inquiry as it may deem necessary, is satisfied that the Sponsor has fulfilled the conditions specified in sub-section (2) of Section 3, it may direct the Sponsor, to establish an endowment fund.

(2) After the establishment of the endowment fund, the State Government may, by notification in the Official Gazette, accord sanction for establishment of the University.

(3) The headquarters of University shall be in Sikkim and it may have campuses or Regional Centres, Study Centres anywhere in India and abroad with approval of the Board of Governors.

(4) The Chancellor, Pro-Chancellors, the Vice-Chancellor, members of the Board of Governors, members of the Board of Management and the Academic Council for the time being holding office as such in the University so established, shall constitute a body corporate and can sue and be sued in the name of the University.

(5) On the establishment of the University under sub-section (2), the land and other movable and immovable properties acquired, created, arranged or built by the University for the purpose of the University in the State of Sikkim shall vest in the University.

(6) The land, building and other properties acquired for the University shall not be used for any purpose, other than that for which the same is acquired.

University not to be entitled to financial assistance.

5. The University shall be self-financing and shall neither make a demand nor shall be entitled to any grant in-aid or any other financial assistance from the State Government or any other body or corporation owned or controlled by the State Government.

Constituent Colleges and Affiliated Colleges.

6 (1) The University may have constituent colleges, Regional Centers and Study Centres.

(2) The University may with the prior approval of the Board of Governors, affiliate any college or other institution.

Objects of the University.

7. The objectives for which the University is established are as follows :-

(a) to provide instruction, teaching, training and research in Medical, Dental, Homoeopathy, Naturopathy, Nursing, Paramedical, Engineering, Management, Arts and Science, Education, Law, Agriculture, Physical Education, Veterinary Science, Fashion Technology, Vocational and allied courses and related subjects and make provisions for research, advancement and dissemination of knowledge therein ;

(b) to establish a campus in the State of Sikkim, and to have study centers, campuses and examination centers at different places in India and abroad ;

(c) to offer continuing and distance education programs ;

(d) to institute degrees, diplomas, charters, certificates and other academic distinctions on the basis of examination, or any other method of evaluation ;

(e) to collaborate with other colleges or universities, research institutions, industry associations, professional associations in India or abroad, to

conceptualize, design and develop specific educational and research programs, training programs and exchange programs for students, faculty members and others ;

(f) to disseminate knowledge through seminars, conferences, executive education programs, community development programs, publications, and training programs ;

(g) to undertake programs for the training and development of faculty members of the University and other institutions in India or abroad ;

(h) to undertake collaborative research with any organization in India or abroad ;

(i) to create higher levels of intellectual abilities ;

(j) to provide consultancy to industry, Government and Public Organization ;

(k) to ensure that the standard of the degrees, diplomas, charters, certificates and other academic distinctions are not lower than those laid down by the University Grants Commission (UGC), All India Council for Technical Education (AICTE), Bar Council of India (BCI), the Distance Education Council (DEC), the Dental Council of India (DCI), the Indian Nursing Council (INC), the Medical Council of India (MCI), the National Council for Teacher Education (NCTE) and the Pharmacy Council of India (PCI) and other Statutory bodies and other National Accreditation bodies ;

(l) to do all things necessary or expedient to promote the above objectives ;

(m) to pursue any other objective as may be approved by the State Government .

Powers of the University.

8. (1) The University shall have the following powers, namely :-

(a) to establish, maintain and recognize such Regional Centres and Study Centres as may be determined by the University from time to time in the manner laid down by the Statutes ;

(b) to carry out all such other activities as may be necessary or feasible in furtherance of the object of the University ;

(c) to confer degrees, diplomas, charters, certificates or other academic distinctions and professional designations in the manner and under conditions laid down in the Statutes ;

(d) to institute and award fellowships, scholarships and prizes etc., in accordance with the Statutes ;

(e) to demand and receive such fees, bills, invoices and collect charges as may be fixed by the Statutes or rules, as the case may be ;

(f) to make provisions for extra curricular activities for students and employees ;

(g) to make appointments of the faculty, officers and employees of the University or a constituent college, affiliated colleges, Regional Centres, Study Centres located in India and abroad ;

(h) to receive donations and gifts of any kind and to acquire, hold, manage, maintain and dispose of any movable or immovable property, including trust and endowment properties for the purpose of the University or a constituent college, or a Regional Centre, Study Centre ;

(i) to institute and maintain halls and to recognize places of residence for students of the University or a constituent college at the main campus and other campuses in India and abroad ;

(j) to supervise and control the residence, and to regulate the discipline among the students and all categories of employees and to lay down the conditions of service of such employees, including their Code of Conduct ;

(k) to create academic, administrative and support staff and other necessary posts ;

(l) to co-operate and collaborate with other Universities and Institutions in such a manner and for such purposes as the University may determine from time to time ;

(m) to offer programs on distance education system and continuing education and the manner in which such programs are offered by the University ;

(n) to organize and conduct refresher courses, orientation courses, workshops, seminars and other programs for teachers, developers of course ware, evaluators and other academic staff ;

(o) to determine standards of admission to the University, constituent colleges, affiliated colleges, regional centers, study centers with the approval of the Academic Council ;

(p) to make special provision for students belonging to the State of Sikkim for admission in any course of the University or in a constituent college, affiliated college, regional centre or study centre ;

(q) to establish job oriented Vocational Courses to facilitate the masses and solve unemployment;

(r) to do all such other acts or things whether incidental to the powers aforesaid or not, as may be necessary to further the objects of the University ;

(s) to prescribe such courses for Bachelor Degree, Master Degree, Master of Philosophy, Doctor of Philosophy , Doctor of Science Degrees and Research, and such other degrees, diplomas, charters, certificates etc.;

(t) to provide for the preparation of instructional materials, including films, cassettes, tapes, video cassettes, CDs, VCDs, and other software ;

(u) to recognize examinations or period of study (whether in full or in part of other University, institutions or other places of Higher learning as equivalent to examinations or periods of studies in the universities and to withdraw such recognition at any time ;

(v) to raise, collect, subscribe and borrow with the approval of the Board of Governors whether on the securities or the properties of the Universities, money for the purpose of the University ;

(w) to enter into carryout, vary or cancel contracts

(x) to do all things necessary or expedient to exercise the above powers.

University open to all classes, castes, creed, religion, language and gender.

9. The University shall be opened to all persons irrespective of class, caste, creed, religion, language or gender:Provided that nothing in this section shall be deemed to prevent the University from making special provisions for admission for students of the State.

National Accreditation and Recognition of Statutory Bodies.

10 (1) The University will seek, obtain and retain accreditation from respective national accreditation bodies and be subject to relevant provisions of the University Grants Commission Act, 1956 and the Regulations/Guidelines made thereunder from time to time relating to private Universities.(2) The University shall obtain prior permission/ recognition from Statutory bodies and other concerned authorities/bodies, if required by any law for the time being in force.

CHAPTER 3
Officers of the University

Officers of the University.

11. The following shall be the officers of the University, namely :-
    (a) The Chancellor;
    (b) The Pro-Chancellor
    (c) The Vice-Chancellor;
    (d) The Registrar;
    (e) The Finance Officer; and
    (f) Such other offices as may be declared by the Statutes to be officers of the University.

The Visitor.

12. (1) The Governor of Sikkim will be the Visitor of the University
    (2) The Visitor shall, when present, preside at the convocation of the University for conferring Degrees, Diplomas, Charters, Designations and Certificates.
    (3) The Visitor shall have the following powers, namely :-
        (a) To call for any paper or information relating to the affairs of the University.
        (b) On the basis of the information received by the Visitor, if he is satisfied that any order, proceeding, or decision taken by any authority of the University is not in conformity with the Act, Regulations, or Rules, he may issue such directions as he may deem fit in the interest of the University and the directions so issued shall be complied with by all concerned.

The Chancellor.

13. (1) The Sponsor shall, with the prior approval of the Visitor, appoint a person suitable to be appointed as the Chancellor of the University.
    (2) The Chancellor so appointed shall hold the office for a period of five years.
    (3) The Chancellor shall be the head of the University.
    (4) The Chancellor shall preside at the meeting of the Board of Governors and shall, when the Visitor is not present, preside at the convocation of the University for conferring degrees, diplomas, Charters, Designations or Certificates.
    (5) The Chancellor shall have the following powers, namely:-
        (a) to call for any information or record;
        (b) to appoint and to remove the Pro-Chancellors.
        (c) to appoint and to remove the Vice-Chancellor;
        (d) such other powers as may be conferred on him by this Act or the Statutes made thereunder.

The Pro-Chancellor.

14. (1) The Sponsor shall appoint two Pro-Chancellors of the University viz. Pro-Chancellor (Administration) and Pro-Chancellor (Academic)

(2) The Pro-Chancellor so appointed shall hold the office for a period of five years.

(3) The Pro-Chancellor shall preside at the meeting of the Board of Governors when the Chancellor is not present and shall, when the Visitor or Chancellor is not present, preside at the convocation of the University for conferring degrees, diplomas, Charters, Designations or Certificates.

(4) The Pro-Chancellor (Administration) shall have following powers, namely :-

a) to call for any information related to the entire administration of the University ;

b) such other powers as may be conferred on him by this Act or the Statutes made thereunder.

(5) The Pro-Chancellor (Academic) shall have following powers, namely :-

a) to call for any information related to the entire Academic including research proceedings of the University ; b) such other powers as may be conferred on him by this Act or the Statutes made thereunder.

(6) The Chancellor is empowered to remove the Pro-Chancellor.

The Vice-Chancellor.

15. (1) The Vice-Chancellor shall be appointed on such terms and conditions as may be prescribed by the Statutes for a term of five years by the Chancellor.

(2) The Vice-Chancellor shall be appointed by the Chancellor from a panel of three persons recommended by the Board of Governors and shall hold office for a term of five years :Provided that, after expiration of the term of five years, the Vice-Chancellor shall be eligible for re-appointment for another term not exceeding five years.

(3) The Vice-Chancellor shall be the Principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of the authorities of the University.

(4) If in the opinion of the Vice-Chancellor it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officers or authority as would have in the ordinary course dealt with the matter :

Provided that if in the opinion of the concerned authority such action should not have been taken by the Vice-Chancellor, then such case shall be referred to the Chancellor, whose decision thereon shall be final ;

Provided further that where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, an appeal to the Board of Governors and the Board of Governors may confirm or modify or reverse the action taken by the Vice-Chancellor.

(5) If in the opinion of the Vice-Chancellor any decision of any authority of the University is outside the powers conferred by this Act, Statutes or is likely to be prejudicial to the interest of the University, he shall request the concerned authority to revise its decision within seven days from the date of his decision and in case the authority refuses to revise such decision wholly or partly or fails to take any decision within seven days, then such matter shall be referred to the Chancellor and his decision thereon shall be final.

(6) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be laid down by the Statutes or the rules.

(7) The Vice-Chancellor shall preside at the convocation of the University in the absence of the Visitor, the Chancellor and the Pro-Chancellors, for conferring degrees, diplomas, Charters, Designations or Certificates.

(8) The Chancellor is empowered to remove the Vice-Chancellor after due enquiry. It will be open to the Chancellor to suspend the Vice-Chancellor during enquiry depending upon the seriousness of the charges, as he may deem fit.

Deans of Faculties.

16. Deans of faculties shall be appointed by the Vice-Chancellor in such manner and shall exercise such powers and perform such duties as may be prescribed by Statutes.

The Registrar.

17. (1) The appointment of the Registrar shall be made in such manner as may be prescribed by the Statutes

(2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.

(3) The Registrar shall exercise such other powers and perform such other duties as may be prescribed or may be required from time to time, by the Board of Governors.

(4) The Registrar shall be responsible for the due custody of the records and the common seal of the University and shall be bound to place before the Chancellor, the Vice-Chancellor or any other authority, all such information and documents as may be necessary for transaction of their business.

(5) The Registrar shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The Finance Officer.

18. The appointment of the Finance Officer shall be made in such manner as may be prescribed by the Statutes. The Finance Officer shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Other Officers.

19. The manner of appointment, terms and conditions of service and powers and duties of the other officers of the University shall be such as may be prescribed by the Statutes.

CHAPTER 4
Authorities of the University

Authorities of the University.

20. The following shall be the authorities of the University, namely :-
    (a) The Board of Governors;
    (b) The Board of Management;
    (c) The Academic Council;
    (d) The Finance Committee; and
    (e) Such other authorities as may be declared by the Statutes to be the authorities of the University.

The Board of Governors and its powers.

21. (1) The Board of Governors shall consist of the following, namely :-
    (a) The Chancellor.
    (b) The Pro-Chancellor (Administration).
    (c) The Pro-Chancellor (Academic).
    (d) The Vice-Chancellor.
    (e) A nominee of the UGC.
    (f) Three persons nominated by the Sponsor.
    (g) One representative of the State Government.
    (h) Two persons of repute to be nominated by the Visitor.
    (i) Two academicians to be nominated by the Chancellor.

    (2) The Chancellor shall be the Chairman of the Board of Governors.

    (3) The Registrar shall be an ex-officio Secretary of the Board of Governors.

    (4) The Board of Governors shall be the supreme authority and principal governing body of the University and shall have the following powers, namely :-
    (a) to appoint the Statutory Auditors of the University;
    (b) to lay down policies to be pursued by the University;
    (c) to review decisions of the other authorities of the University if they are not in conformity with the provisions of this Act, or the Statutes or the rules;
    (d) to approve the budget and annual report of the University;
    (e) to make new or additional Statutes and rules or amend or repeal the earlier Statutes and rules;
    (f) to take decision about voluntary winding up of the University;
    (g) to approve proposals for submission to the State Government; and
    (h) to take such decisions and steps as are found desirable for effectively carrying out the objects of the University;

    (5) The Board of Governors shall, meet at least twice in a calendar year at such time and place as the Chancellor thinks fit.

The Board of Management.

22. (1) The Board of Management shall consist of the following, namely :-
    (a) The Vice-Chancellor.
    (b) The Registrar.
    (c) Four persons, nominated by the Sponsor.

(d) Two Deans of the faculties as nominated by the Chancellor.
(e) One representative to be nominated by the State Government.

(2) The Vice-Chancellor shall be the Chairperson of the Board of Management and the Registrar shall be the Secretary of the Board of Management.

(3) The powers and functions of the Board of Management shall be such as may be prescribed by the Statutes.

The Academic Council.

23. (1) The Academic Council shall consist of the following, namely :-
(a) The Vice-Chancellor - Chairman
(b) The Registrar - Secretary
(c) Such other members as may be prescribed in the Statutes.

(2) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the rules, co-ordinate and exercise general supervision over the academic policies of the University.

The Finance Committee.

24. (1) The Finance Committee shall consist of the following, namely :-
(a) The Vice-Chancellor - Chairman
(b) The Registrar - Secretary
(c) The Finance Officer - Member
(d) Such other members as may be prescribed in the Statutes.

(2) The Finance Committee shall be the principal financial body of the University to take care of financial matters and shall, subject to the provisions of this Act, Statutes and rules, co-ordinate and exercise general supervision over the financial matters of the University.

Other Authorities.

25. The constitution, powers and functions of the other authorities of the University shall be such as may be prescribed by the Statutes.

Proceedings not invalidated on account of vacancy.

26. No act or proceeding of any authority of the University shall be invalid merely by reason of the existence of any vacancy or defect in the constitution of the authority.

CHAPTER 5
Statutes and Rules

Statutes.

27. Subject to the provisions of this Act and rules, the Statutes may provide for any matter relating to the University and staff, as given below :-

(a) the constitution, powers and functions of the authorities and other bodies of the University as specified in the Act and such other authorities as may be constituted from time to time;

(b) the operation of the endowment fund, the general fund and the development fund;

(c) the terms and conditions of appointment of the Vice-Chancellor, the Registrar and the Finance Officer and their powers and functions;

(d) the mode of recruitment and the conditions of service of the other officers, teachers and employees of the University;

(e) the procedure for resolving disputes between the University and its officers, faculty members, employees and students;

(f) creation, abolition or restructuring of departments and faculties;

(g) the manner of co-operation with other Universities or institutions of higher learning;

(h) the procedure for conferment of honorary degrees;

(i) provisions regarding grant of freeships and scholarships;

(j) number of seats in different courses of studies and the procedure of admission of students to such courses;

(k) the fee chargeable from students for various courses of studies:

Provided that the University shall not make any Statute relating to the charging of donation or capitation fee from the students ;

(l) institution of fellowships, scholarships, studentships, freeships, medals and prizes;

(m) procedure for creation and abolition of posts;

(n) all other matters which by this Act are required to be provided .

Statutes how made.

28. The first Statutes framed by the Board of Governors shall be submitted to the State Government for its approval.

Power to amend the Statutes.

29. The Board of Governors may, with the prior approval of the State Government, make new or additional Statutes or amend or repeal the Statutes.

Rules.

30. Subject to the provisions of this Act, the rules may provide for all or any of the following matters, namely :-

(a) admission of students to the University and their enrolment and continuance as such;

(b) the courses of study to be laid down for all Degrees, Diplomas, Certificates, Charters and other academic distinctions of the University;

(c) the award of Degrees, Diplomas, Charters, Certificates and other academic distinctions of the University;
(d) creation of new authorities of the University;
(e) accounting policy and financial procedure;
(f) the conditions of the award of fellowships, scholarships, studentships, medals and prizes;
(g) the conduct of examinations and the conditions and mode of appointment and duties of examining bodies, examiners, invigilators, tabulators and moderators;
(h) the fee to be charged for admission to the examinations, Degrees, Diplomas, Certificates, Charters and other academic distinctions of the University;
(i) revision of fees;
(j) alteration of number of seats in different courses and programs
(k) the conditions of residence of the students at the University or a constituent college or affiliated college;
(l) maintenance of discipline among the students of the University or a constituent college or affiliated college;
(m) all other matters as may be provided in the Statutes and rules made under the Act.

Rules how made.

31. The Rules shall be made by the Board of Governors and shall be submitted to the State Government for its approval.

Power to amend rules.

32. The Board of Governors may, with the approval of the State Government, make new or additional rules or amend or repeal the rules.

CHAPTER 6
Miscellaneous

Conditions of service of employees.

33. (1) Every employee shall be appointed under a written contract, which shall be kept in the University and a copy of which shall be furnished to the employee concerned.
(2) Disciplinary action against the students/employees shall be governed by procedure prescribed in the Statutes.

Right to appeal.

34. Every employee or student of the University or of a constituent college, shall notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed, to the Board of Management against the decision of any officer or authority of the University or of the Principal of any such college, and thereupon the Board of Management may confirm, modify or change the decision appealed against.

Provident fund and pension.

35. The University shall constitute for the benefit of its employees such provident or pension fund and provide such insurance scheme as it may deem fit in such manner and subject to such conditions as may be prescribed.

Disputes as to constitution of University authorities and bodies.

36. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

Constitution of committees.

37. Any authority of the University mentioned in Section 20 may constitute a committee of such authority, consisting of such members as such authority may deem fit, and having such powers as the authority may deem fit.

Filling of casual vacancies.

38. Any casual vacancy among the members, other than ex-officio members, of any Authority or body of the University shall be filled in the same manner in which the member whose vacancy is to be filled up, was chosen, and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he/she fills would have been a member.

Protection of action taken in good faith.

39. No suit or other legal proceedings shall lie against any officer or other employee of the University for anything, which is done in good faith or intended to be done in pursuance of the provisions of this Act, the Statutes or the rules.

Transitional provisions.

40. Notwithstanding anything contained in any other provisions of this Act and the Statutes :-

(a) the first Pro-Chancellors shall be appointed by the Chancellor and the said officers shall hold office for a term of five years;
(b) the first Vice-Chancellor shall be appointed by the Chancellor and the said officer shall hold office for a term of five years;
(c) The first Registrar and the first Finance Officer shall be appointed by the Chancellor who shall hold office for a term of five years;
(d) The first Board of Governors shall hold office for a term not exceeding five years;
(e) The first Board of Management, the first Finance Committee and the first Academic Council shall be constituted by the Chancellor for a term of five years.

Endowment Fund.

41. (1) The University shall establish an endowment fund of at least Rupees one crore.
(2) The University shall have power to invest the endowment fund in such manner as may be prescribed.
(3) The University may transfer any amount from the general fund or the development fund to the endowment fund. Excepting in the dissolution of the University, in no other circumstances can any monies be transferred from the endowment fund for other purposes.
(4) Not exceeding 75 percent of the incomes received from the endowment fund shall be used for the purposes of development works of the University. The remaining 25 percent shall be reinvested into the endowment fund.

General fund.

42. (1) The University shall establish a general fund to which the following amount shall be credited, namely :-
(a) all fees which may be charged by the University;
(b) all sums received from any other source;
(c) all contributions made by the Sponsor;
(d) all contributions/donations made in this behalf by any other person or body, which are not prohibited by any law for the time being in force.
(2) The funds credited to the general fund shall be applied to meet the following payments, namely :-
(a) the repayment of debts including interest charges thereto incurred by the University for the purposes of this Act, the Statutes and the rules made thereunder;
(b) the upkeep of the assets of the University;
(c) the payment of the cost of audit of the fund created under section 41.
(d) meeting the expenses of any suit or proceedings to which University is a party;
(e) the payment of salaries and allowances of the officers and employees of the University, members of the teaching and research staff, and payment of any Provident Fund contributions, gratuity and

other benefits to any such officers and employees, members of the teaching and research staff;

(f) the payment of traveling and other allowances of the members of the Board of Governors, the Board of Management, Academic Council, and other authorities so declared under the Statutes of the University and of the members of any Committee or Board appointed by any of the authorities of the University in pursuance of any provision of this Act or the Statutes or the rules made thereunder;

(g) the payment of fellowships, freeships, scholarships, assistantships and other awards to students, research associates or trainees eligible for such awards under the Statutes or rules of the University under the provisions of this Act;

(h) the payment of any expenses incurred by the University in carrying out the provisions of this Act, and the Statutes or the rules made thereunder;

(i) the payment of cost of capital, not exceeding the prevailing bank rate of interest, incurred by the Sponsor for setting up the University and the investments made thereof ;

(j) the payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of the provisions of this Act, and the Statutes, and the rules made thereunder :

Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year as may be fixed by the Board of Management without the previous approval of the Board of Management :

Provided further that the General fund shall be applied for the objects specified under sub-section (2) with the prior approval of the Board of Management of the University.

Development Fund.

43. (1) The University shall also establish a development fund to which the following funds shall be credited, namely:

(a) Development fees which may be charged from students;

(b) all sums received from any other source for the purposes of the development of the University;

(c) all contributions made by the Sponsor;

(d) all contributions/donations made in this behalf by any other person or body which are not prohibited by any law for the time being in force; and

(e) all incomes received from the endowment fund.

(2) The funds credited to the development fund from time to time shall be utilized for the development of the University.

Maintenance of fund.

44. The funds established under sections 41, 42 and 43 shall, subject to general supervision and control of the Board of Governors, be regulated and maintained in such manner as may be prescribed.

Annual Report.

45. (1) The annual report of the University shall be prepared under the direction of the Board of Management and shall be submitted to the Board of Governors for its approval.
(2) The Board of Governors shall consider the annual report in its meeting and may approve the same with or without modification;
(3) A copy of the annual report duly approved by the Board of Governors shall be sent to Visitor and the State Government on or before December 31 following close of the financial year in March 31 each year.

Account and audit.

46. (1) The annual accounts and Balance Sheet of the University shall be prepared under the direction of the Board of Management and all funds accruing to or received by the University from whatever source and all amount disbursed or paid shall be entered in the accounts maintained by the University.
(2) The annual accounts of the University shall be audited by a chartered accountant, who is a member of the Institute of Chartered Accountants of India, every year.
(3) A copy of the annual accounts and the Balance Sheet together with the audit report shall be submitted to the Board of Governors on or before December 31 following close of the financial year in March 31 each year.
(4) The annual accounts, the Balance Sheet and the audit report shall be considered by the Board of Governors at its meeting and the Board of Governors shall forward the same to the Visitor and the State Government along with its observations thereon on or before December 31 each year.
(5) In the event of any material qualifications in the Report of the Auditors, the State Government may issue directions to the University, and such directions shall be binding on the University.

Mode of proof of University record.

47. A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the university or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transaction therein recorded where the original thereof would, if produced, have been admissible in evidence.

Dissolution of University.

48. (1) If the Sponsor proposes dissolution of the University in accordance with the law governing its constitution or incorporation, it shall give at least twelve months notice in writing to the State Government and it shall ensure that no new admissions to the University are accepted during the notice period.
(2) On identification of mismanagement, mal-administration, in-discipline, failure in the accomplishment of the objects of University and economic

hardships in the management systems of University, the State Government would issue directions to the management system of University. If the directions are not followed within such time as may be prescribed, the right to take decision for winding up of the University would vest in the State Government.

(3) The manner of winding up of the University would be such as may be prescribed in this behalf : Provided that no such action will be initiated without affording a reasonable opportunity to show cause to the Sponsor.

(4) On receipt of the notice referred to in sub-section (1), the State Government shall, in consultation with the UGC make such arrangements for administration of the University from the proposed date of dissolution of the University by the Sponsor and until the last batch of students in regular courses of studies of the University complete their courses of studies in such manner as may be prescribed by the Statutes.

Expenditure of the University during dissolution.

49. (1) The expenditure for administration of the University during the taking over period of its management under section 48 shall be met out of the endowment fund, the general fund or the development fund.

(2) If the funds referred to sub-section (1) are not sufficient to meet the expenditure of the University during the taking over period of its management, such expenditure may be met by disposing of the properties or assets of the University, by the State Government.

Laying of Statutes and rules

50. Every Statute or Rules made under this Act shall, as soon as may be after it is made, be laid before the State Legislature.

Removal of difficulties.

51. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notification or order, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient, for removing the difficulty :

Provided that no notification, order under sub-section (1) shall be made after the expiration of a period of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before the State Legislature.

By Order.

R.K. PURKAYASTHA (SSJS)
LR-cum- Secretary
Law Department .
F. No. 16 (82) LD/P/08

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